

Ordinance No. 122941

Council Bill No. 116477

AN ORDINANCE providing for the submission to the qualified electors of the City for ratification or rejection by referendum, Ordinance 122752 relating to the City of Seattle's solid waste system; requesting that the King County Director of Records and Elections call a special municipal election to coincide with the primary election to be held on August 18, 2009 for the purpose of submitting this referendum measure to the qualified electors; authorizing and directing the City Clerk to take those actions necessary to submit this referendum to the qualified electors on August 18, 2009, including certifying a ballot title to the King County Director of Records and Elections; requesting the Seattle City Attorney to prepare a ballot title and explanatory statement for this referendum measure; and requesting the Executive Director of the Seattle Ethics and Elections Commission to place information concerning this referendum measure in the August 2009 voters' pamphlet.

Related Legislation File:

Date Introduced and Referred:	To: (committee):
3-16-09	Environment, Emergency Mgmt & Utilities (EEMU)
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action:	Date Presented to Mayor:
3-30-09	3-30-09
Date Signed by Mayor:	Date Returned to City Clerk:
Returned Unsigned by Mayor	3-31-09
Published by Title Only	Date Vetoed by Mayor:
Published in Full Text <input checked="" type="checkbox"/>	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: Richard Conlin

Committee Action:

Date	Recommendation	Vote
3/24/09	Pass (RM, TB, RC)	3-0

Repealed 4-20-09

This file is complete and ready for presentation to Full Council.

Full Council Action:

Date	Decision	Vote
3/30/09	Pass	8-0 (excused JD)

This Ordinance, No. 122941, was repealed
on April 20, 2009 by Council Bill 116500.

Jason E. Pappas, City Clerk 4-21-09

ORDINANCE 122941

AN ORDINANCE providing for the submission to the qualified electors of the City for ratification or rejection by referendum, Ordinance 122752 relating to the City of Seattle's solid waste system; requesting that the King County Director of Records and Elections call a special municipal election to coincide with the primary election to be held on August 18, 2009 for the purpose of submitting this referendum measure to the qualified electors; authorizing and directing the City Clerk to take those actions necessary to submit this referendum to the qualified electors on August 18, 2009, including certifying a ballot title to the King County Director of Records and Elections; requesting the Seattle City Attorney to prepare a ballot title and explanatory statement for this referendum measure; and requesting the Executive Director of the Seattle Ethics and Elections Commission to place information concerning this referendum measure in the August 2009 voters' pamphlet.

WHEREAS, on August 25, 2008, a citizen referendum was filed with the City that suspended implementation of Ordinance 122752 pending approval of the ordinance by the voters of the City of Seattle; and

WHEREAS, Article IV, Section K of the City Charter states that after the City Clerk transmits the verified referendum petitions to the City Council, the Council shall provide for submittal of the referred ordinance or section to a vote of the qualified electors for ratification or rejection; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The King County Director of Records and Elections, as ex officio supervisor of elections, is hereby requested to conduct a special election, that the City hereby calls pursuant to RCW 84.55.050, to be held in conjunction with the state-wide primary election on August 18, 2009, and to submit to the qualified electors of the City the proposition set forth herein.



Section 2. The City Clerk is hereby authorized and directed not less than 52 days prior to August 18, 2009, to certify the proposition for the ratification or rejection of Ordinance 122752 entitled:

“AN ORDINANCE relating to the City of Seattle’s solid waste system, establishing an advanced recovery fee (a green fee) for disposable shopping bags, providing a deduction for the green fee from the City’s business license tax, creating two new positions, and amending Seattle Municipal Code Chapters 21.36, 21.40, and 5.45.”

passed by the City Council on the 28th day of July, 2008 and approved by the Mayor on the 30th day of July, 2008, and submitted to the referendum upon petition as authorized by Seattle Charter Article IV, Sec. 1(H) and (K), which proposition shall be voted upon in the following manner:

The King County Director of Records and Elections shall place upon the ballot such proposition in the following form or as modified by the City Attorney pursuant to RCW 29A.26.071:

CITY OF SEATTLE

PROPOSITION 1

Should this ordinance be:

Approved

Rejected


Section 3. The Seattle City Attorney is requested to prepare a ballot title and explanatory statement for this referendum measure.



Section 4. The Executive Director of the Seattle Ethics and Elections Commission is requested to take those actions necessary to place information concerning this referendum measure in the November 2006 voters' pamphlet.

Section 5. This ordinance shall take effect and be in force immediately upon its approval by the Mayor or, if not approved and returned by the Mayor within 10 days after presentation, then on the 11th day after its presentation to the Mayor or, if vetoed by the Mayor, then immediately after its passage over his veto.

Passed by the City Council the 30th day of March, 2009, and signed by me in open session in authentication of its passage this 30th day of March, 2009.

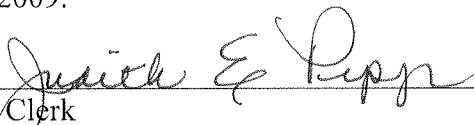


President _____ of the City Council

Approved by me this _____ day of _____, 2009.

Returned Unsigned
by Mayor _____
Gregory J. Nickels, Mayor

Filed by me this 31 day of March, 2009.



City Clerk

(Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Legislative	Meg Moorehead 684-8929	

Legislation Title:

AN ORDINANCE providing for the submission to the qualified electors of the City for ratification or rejection by referendum, Ordinance 122752 relating to the City of Seattle's solid waste system; requesting that the King County Director of Records and Elections call a special municipal election to coincide with the primary election to be held on August 18, 2009 for the purpose of submitting this referendum measure to the qualified electors; authorizing and directing the City Clerk to take those actions necessary to submit this referendum to the qualified electors on August 18, 2009, including certifying a ballot title to the King County Director of Records and Elections; requesting the Seattle City Attorney to prepare a ballot title and explanatory statement for this referendum measure; and requesting the Executive Director of the Seattle Ethics and Elections Commission to place information concerning this referendum measure in the August 2009 voters' pamphlet.

- **Summary of the Legislation:**

The proposed legislation provides for Ordinance 122752 to be submitted for ratification or rejection on the August 2009 ballot.

- **Background:** *(Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):*

Ordinance 122752 arose from Resolution 30990, which instructed SPU to study the environmental and litter problems of disposable plastic shopping bags and develop proposed solutions, including a possible ban on such bags. The resulting SPU study found significant environmental impacts from both paper and plastic disposable shopping bags. Ordinance 122752 seeks to reduce those impacts and the use of throwaway bags by requiring an advanced recovery fee (called a Green Fee) of 20 cents for each disposable bag provided to customers of grocery, convenience and drug stores. Ordinance 122752 was approved by the Council and Mayor in July 2008. But due to an August 2008 citizen referendum, implementation of the ordinance has been suspended pending its approval by the voters of the City of Seattle. Consistent with the City Charter, the proposed legislation provides for the referred ordinance to be submitted for ratification or rejection on the August 2009 ballot.

- *Please check one of the following:*

☐ **This legislation does not have any financial implications.** *(Stop here and delete the remainder of this document prior to saving and printing.)*

☒ **This legislation has financial implications.** *(Please complete all relevant sections that*



Appropriations: *This table should reflect appropriations that are a direct result of this legislation. In the event that the project/programs associated with this ordinance had, or will have, appropriations in other legislation, please provide details in the Notes section below.*

Fund Name and Number	Department	Budget Control Level*	2009 Appropriation	2010 Anticipated Appropriation
TOTAL				

*See budget book to obtain the appropriate Budget Control Level for your department.

Notes:

When Ordinance 122752 was approved, the Solid Waste division and the Department of Executive Administration (DEA) intended to request added 2009-2010 Budget appropriation for work related to the Green Fee (to be financed from fee revenue) including one-time money for a public information campaign, as well possible inspection staff to verify retailer compliance with the fee. With implementation of the Green Fee in suspension, the approved 2009 budget included \$0 Green Fee revenues and \$65,000 of new spending in 2009. Anticipating 2009 voter approval of the Green Fee, the endorsed 2010 budget included \$3.4 million in Green Fee revenues and \$689,000 of new Green Fee-related spending in 2010.

Anticipated Revenue/Reimbursement: Resulting From This Legislation: *This table should reflect revenues/reimbursements that are a direct result of this legislation. In the event that the issues/projects associated with this ordinance/resolution have revenues or reimbursements that were, or will be, received because of previous or future legislation or budget actions, please provide details in the Notes section below the table.*

Fund Name and Number	Department	Revenue Source	2009 Revenue	2010 Revenue
TOTAL				

Notes: The amount of revenue the Green Fee will generate is highly uncertain and depends fundamentally on how consumers react to the fee. The \$3.4 million 2010 projection is based on the assumption that Seattle consumers react as vigorously as Irish consumers did to their bag tax and reduce disposable bag usage by 90 percent. Of this figure, approximately \$250,000 will be cost allocated to DEA for Green Fee administration, leaving about \$3.1 million available to subsidize Solid Waste rates and programs.



Total Regular Positions Created, Modified, Or Abrogated Through This Legislation,

Including FTE Impact: *This table should only reflect the actual number of positions affected by this legislation. In the event that positions have been, or will be, created as a result of other legislation, please provide details in the Notes section below the table.*

Position Title and Department	Position # for Existing Positions	Fund Name & #	PT/FT	2008 Positions	2008 FTE	2009 Positions*	2009 FTE*

* 2009 positions and FTE are total 2009 position changes resulting from this legislation, not incremental changes. Therefore, under 2009, please be sure to include any continuing positions from 2008.

Notes:

Ordinance 122752 adds to DEA 1.0 FTE Administrative Specialist II, BU, and 1.0 FTE Tax Auditor to provide database management, mailing services, and Green Fee collection services. Ordinance 122752 would have added these positions in 2008 to allow for immediate hiring and ensure smooth start-up of the Green Fee in January, 2009. Due to the citizen referendum, the positions were not added in 2008 but would be added in 2009 if the Green Fee is ratified by the voters.

- **Do positions sunset in the future?** *(If yes, identify sunset date):*
 No.

Spending/Cash Flow: *This table should be completed only in those cases where part or all of the funds authorized by this legislation will be spent in a different year than when they were appropriated (e.g., as in the case of certain grants and capital projects). Details surrounding spending that will occur in future years should be provided in the Notes section below the table.*

Fund Name & #	Department	Budget Control Level*	2009 Expenditures	2010 Anticipated Expenditures

* See budget book to obtain the appropriate Budget Control Level for your department.

Notes:

If the Green Fee is ratified by the voters, in 2009 DEA will set up its Green Fee collection system and hire staff to start implementing the Green Fee. SPU will reimburse DEA for these expenses (about \$65,000). In 2010, SPU expects to spend \$689,000 for new Green Fee expenditures, with \$250,000 spent to reimburse DEA for Green Fee administration.

- **What is the financial cost of not implementing the legislation?** *(Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an*



existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs if the legislation is not implemented.)

The City Charter requires the City to submit the referred ordinance to a vote of the qualified electors at the next general election or if they choose, an earlier special election. The August primary ballot qualifies as the next general election.

- **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** *(Include any potential alternatives to the proposed legislation, such as reducing fee-supported activities, identifying outside funding sources for fee-supported activities, etc.)*

The City Charter requires the City to submit the referred ordinance to a vote of the qualified electors at the next general election or if they choose, an earlier special election. The Council could choose to place the Green Fee on a ballot earlier in 2009.

- **Is the legislation subject to public hearing requirements:** *(If yes, what public hearings have been held to date, and/or what plans are in place to hold a public hearing(s) in the future.)*

No.

- **Other Issues** *(including long-term implications of the legislation):*

Please list attachments to the fiscal note below:

